

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5542 of 2004

with

SPECIAL CIVIL APPLICATION No 5543 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

MANSUKHLAL KESHAVJI YADAV

Versus

NATHABHAI MULJIBHAI GAJERA

Appearance:

1. Special Civil Application No. 5542 of 2004
MR BP DALAL for Petitioner No. 1
MR AMAR D MITHANI for Respondent No. 1
MR ANSHIN H DESAI for Respondent No. 2
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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 01/03/2005

ORAL JUDGEMENT

1. The petitioner herein has challenged the order dated 03/09/1998 passed by the learned Extra Assistant Judge, Junagadh, in Civil Misc. Appeal No.86 of 1995, whereby the interim injunction confirmed by the learned Civil Judge (J.D.), Keshod on 18/04/1995 was quashed and set aside and the plaintiff - respondent no.1 was restrained from disturbing the appellant - defendant no.1's disputed suit land, mentioned in the application at exh.12, till the final disposal of the suit in question.

2. By order dated 22/11/1999 passed in Civil Revision Applications No.1416 of 1998 and 1448 of 1998, this Court had continued interim relief till the final disposal of the revision applications.

3. By order dated 22/04/2004, the aforesaid Revision Applications were permitted to be converted into petitions under Article 227 of the Constitution of India in view of the amendment in Section 115 of the Code of Civil Procedure. Now as interim relief is operating, it would be appropriate if the trial Court is directed to expedite the hearing of the suit in question, since the suit is of the year 1995.

4. Accordingly, the trial Court is directed to expedite the hearing of the suit in question and to dispose it of within a period of six months from the date of receipt of writ of this order. Parties are directed to abide by the order dated 22/11/1999 passed by this Court, till the disposal of the suit before the trial Court. It is made clear that this Court has not entered into the merits of the matter and the trial Court while deciding the suit shall not be influenced by the observations made by it in the exh.5 application nor by the observations made by the Appellate Court and by this Court in this order.

5. With the above observations and directions, both the petitions stand disposed of. Office to send writ of this order forthwith.

(K. S. Jhaveri, J.)

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